

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

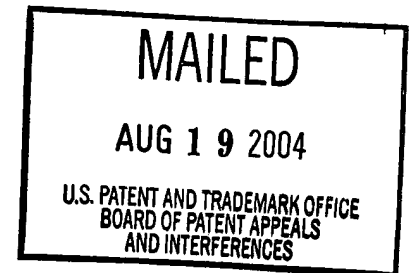
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRAD D. RUMSEY

Application No. 09/377,286

ORDER RETURNING UNDOCKETED APPEAL



This application was received at the Board of Patent Appeals and Interferences on July 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed a "Petition to the Supervisory patent Examiner Under MPEP § 1002.02(d)2 Reopening of Prosecution After Filing An Appeal Brief in Order To Incorporate a New Ground of Rejection" on June 17, 2002, herein after "Petition". It is not

Application No. 09/377,286

apparent from the record that the "Petition" has been considered.

Appellant filed a "Reply Brief" on July 23, 2002. It is not apparent from the record that the "Reply Brief" has been considered or acknowledged.


Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) consideration and written communication of the decision on the "Petition" dated June 17, 2002;
- 2) consideration and written communication of the consideration of the "Reply Brief" dated July 23, 2002; and
- 3) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution):

BOARD OF PATENT APPEALS
AND INTERFERENCES



KIMBERLY JORDAN
PROGRAM AND RESOURCE
ADMINISTRATOR
(703) 308-9797

KJ/dpv
RA04-0743

Application No. 09/377,286

TROP PRUNER HU & MILES, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024